

PS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

NATHAN R. BUNDSCHO,

Plaintiff,

v.

24-CV-6160-EAW
ORDER

CHIEF GREEN, Chief of Operations of
Erie County Correctional Facility,
WILLIAM WHALEN, Superintendent of
Erie County Correctional Facility,¹

Defendants.

Pro se plaintiff Nathan R. Bundscho (“Plaintiff”) was a prisoner confined at the Erie County Correctional Facility. He filed a complaint asserting claims under 42 U.S.C. § 1983 and alleging denial of access to the facility law library. (Dkt. 1). He also has submitted a motion seeking leave to proceed *in forma pauperis*. (Dkt. 2). Plaintiff did not sign and date the complaint (Dkt. 1 at 10), and he did not sign and date the affirmation in support of his motion for *in forma pauperis* status (Dkt. 2 at 2).

Rule 11 of the Federal Rules of Civil Procedure states that “[e]very pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney’s name—or by a party personally if the party is unrepresented. . . . The Court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney’s or party’s attention.” Fed. R. Civ. P. 11(a).

¹ The Clerk of Court is directed to amend the caption as indicated herein to correct the misspelling of Whalen’s name and title.

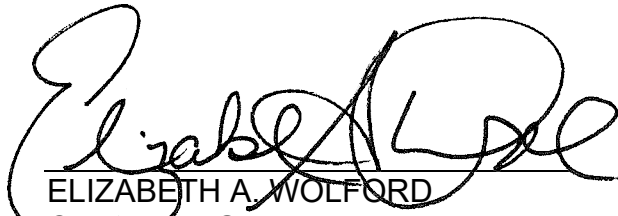
Accordingly, **Plaintiff is directed to provide the Court with a signed and dated copy of the complaint and his affirmation in support of his motion to proceed *in forma pauperis* within 30 days of the date of this Order.**

The Clerk of Court is directed to provide Plaintiff with a copy of his filed complaint, (Dkt. 1), and motion to proceed *in forma pauperis* (Dkt. 2), for him to sign, date, and return to the Court.

If the Plaintiff fails to provide a signed copy of his complaint and affirmation in support of his motion to proceed *in forma pauperis* within **30 days of the date of this Order**, the Clerk of Court is directed to close this case as dismissed without prejudice, without further order of the Court.

SO ORDERED.

Dated: November 4, 2024
Rochester, New York



ELIZABETH A. WOLFORD
CHIEF JUDGE
UNITED STATES DISTRICT COURT